

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JANICE RODGERS, individually and on behalf of all others similarly situated,	CASE NO. G-14-cv-0295
Plaintiffs,	
v.	
PROFESSIONAL EMPLOYMENT GROUP, INC., et al.,	CLASS/COLLECTIVE ACTION
Defendants.	

**ORDER GRANTING FINAL APPROVAL
OF CLASS & COLLECTIVE ACTION SETTLEMENT
AND FINAL JUDGMENT**

Plaintiffs filed an unopposed motion seeking final approval of the parties' Stipulation of Settlement and Release of Claims (the "Settlement"). Having considered the Settlement, the motion and the supporting papers filed by the parties, and having determined that the submission of further evidence and/or argument is unnecessary and has not been requested, the Court grants final approval of the Settlement, and HEREBY ORDERS and MAKES DETERMINATIONS as follows:

1. The Class Members covered by this Order consist of: (a) all members of the California Class (including, but not limited to, Rodgers and all individuals who have filed a Notice of Consent in this case prior to preliminary approval); and (b) all of the Non-California Class Members who submitted a timely and properly completed Claim Forms. A list of the Class Members is attached as Exhibit A. The Court finds it has jurisdiction over all the Class Members.

2. Pursuant to this Court's order of November 6, 2014, Class Notices of the terms and conditions of the Settlement was provided to the Class Members. The Class Notice was accompanied by a Claim Form.

3. The Class Notices were sent via first class United States Mail, to the last known address of each Class Member. These papers informed the Non-California Class and California Class members of the terms of the Settlement. As to Non-California Class members, the papers informed them of their right to opt-in to this lawsuit by filing a Consent Form. Members of the California Class were informed of their right to object to the Settlement or to elect not to participate in the Settlement and pursue their own remedies (if applicable), including their right to appear in person or by counsel at the final approval hearing and be heard regarding approval of the Settlement. Adequate periods of time were provided by each of these procedures.

4. More than 80% of the available funds have been claimed by Class Members.

5. No Class Members requested exclusion from the Settlement.

6. No Class Members objected to the Settlement (nor any part thereof).

7. No Class Members stated any intent to appear at the final approval hearing.

8. The Court finds and determines that this notice procedure afforded adequate protections to the Non-California Class and California Class and provides the basis for the Court to make an informed decision regarding approval of the Settlement. The Court finds and determines that the notice provided in this case: (i) constituted the best notice practicable; (ii) constituted notice that was reasonably calculated, under the circumstances, to apprise the Class Members of the pendency of the Lawsuit, their right to object to or exclude themselves from the proposed settlement and their right to appear at the Fairness Hearing; (iii) was reasonable and constituted due, adequate, and sufficient notice to all persons entitled to receive notice; and (iv) met all applicable requirements of the Federal Rules of Civil Procedure, the California and United

States Constitutions (including the due process clauses), the Local Rules of this Court, and any other applicable law.

9. For the reasons stated in the Court's preliminary approval order (Dkt. #70), the Court finds and determines that the proposed Non-California Class and California Class, as defined in the Settlement, meet all of the legal requirements for collective class and class certification of a settlement class, and it is hereby ordered that both Classes are finally approved and certified as settlement classes for purposes of settlement of this action.

10. The Court further finds and determines that the terms of the Settlement are fair, reasonable and adequate to the class and to each Class Member. The Class Members are bound by the Settlement. The Settlement is ordered finally approved, and all terms and provisions of the Settlement should be and hereby are ordered to be consummated.

11. The Court finds and determines that the payments to be made to the Class Members as provided for in the Settlement are fair and reasonable. The Court finally approves and orders that payment of those amounts be made to the Class Members out of the Maximum Settlement Amount in accordance with the terms of the Settlement.

12. Pursuant to the Settlement, the Class Members as well as their heirs, executors and administrators, successors and assigns, shall be deemed to have fully released and discharged Defendants and all of Defendants' past, present, and future direct and indirect parents, affiliates, subsidiaries, divisions, predecessors, successors, partners, joint venturers, affiliated organizations, shareholders, assigns, and each of Defendants' past, present, and future officers, directors, members, trustees, agents, and employees, attorneys, contractors, representatives, benefits plan sponsored or administered by Defendants, benefit plan trustees, benefit plan fiduciaries, divisions, units, branches and any other persons or entities acting on its behalf, all federal and California state minimum wage and overtime wage claims that were raised or could have been raised in the

Lawsuit (and expressly including, without limitation, claims under the federal Fair Labor Standards Act), for the time period of the beginning of the applicable Claims Period through November 6, 2014, the date on which the Court entered its Order preliminarily approving the Settlement.

13. The Class Members (and any person acting on their behalf) are barred and enjoined from (i) filing, commencing, prosecuting, intervening in, participating in (as class members or otherwise), or receiving any benefits or other relief from, any other lawsuit, in any state or federal court, arbitration, or administrative, regulatory or other proceeding or order in any jurisdiction based on or relating to the claims and causes of action, or the facts and circumstances relating thereto, in this Lawsuit, and (ii) organizing such non-excluded Class Members into a separate class for purposes of pursuing as a purported class action (including by seeking to amend a pending complaint to include class allegations, or by seeking class certification in a pending action) any lawsuit based on or relating to the claims and causes of action, or the facts and circumstances relating thereto, in this Lawsuit.

14. The Court finally approves Bruckner Burch PLLC as Class Counsel. Class Counsel adequately represented the Class Members for the purposes of entering into and implementing the Settlement. The Court hereby approves an award of attorneys' fees equal to 33.3% of the Maximum Settlement Amount in the Settlement, plus expenses/costs in the amount of \$20,000, to Class Counsel.

15. The Court finally approves Janice Rodgers as the Class Representative. Ms. Rodgers adequately represented the Class Members for the purposes of entering into and implementing the Settlement. The Court awards Ms. Rodgers the \$5,000 Enhancement Payment called for in the Settlement, in recognition of her efforts on behalf of the Class Members.

16. The Court authorizes the payment of \$16,952 to Kurtzman Carson Consultants, the claims administrator, for the work it performed, and will perform, in administering the Settlement.

17. The Parties are hereby ordered to comply with the terms of the Settlement.

18. Without further approval from the Court, the Parties may agree to and to adopt amendments, modifications, and expansions of the Settlement (and all exhibits attached thereto) *provided* they: (i) are consistent with the Final Judgment, and (ii) do not limit the rights of Class Members under the Settlement.

19. Without affecting the finality of this Final Order and Final Judgment in any way, this Court retains jurisdiction of all matters relating to the interpretation, administration, implementation, effectuation and enforcement of this Order and the Settlement. Any disputes arising with respect to the interpretation, consummation, enforcement, or implementation of the Settlement shall be presented by motion to the Court.

20. This action and the claims alleged in the Complaints filed in the action are hereby ordered dismissed with prejudice, each side to bear its own costs and attorneys' fees except as provided by the Settlement.

IT IS SO ORDERED.

THIS IS A FINAL JUDGMENT.

Dated: MARCH 17, 2015



Sim Lake
United States District Judge

CLASS MEMBERS

Ahmed, Ali	Gibson, James	Oberschmidt, Albert
Akers, William	Gilreath, Steven	Orr, Joseph
Allen, Christopher	Graham, Richard	Partacz, Wayne
Alley, Gwendolyn	Green, Mark	Peisher, Jay
Antill, Tommy	Hansen, Eric	Piacente, Evan
Arndt, Terry	Harbin, Colin	Pickett, Jacob
Beauchamp, Anthony	Harvey, Marland	Redinger, Kenny
Beetle, Dan F.	Heckman, Robert	Redmoon, Jim
Bertolini, Bret	Hendrickson-Walker, Kelly	Reimer, Brian
Bredeau, Colby	Herrmann, Joel	Riggs, Stephen Gale
Britton, Mark C	Holley, Linda	Rivera, Rafael
Brown, James	Howard, Victor	Roberts, Kevin
Burke, Randy	Huebner, Lee	Rodgers, Janice
Butsch, Charles	Jaco, Robert	Root, David
Carlson, Bruce	Jadron, Frank	Skarupa, Melissa
Cearley, Tarra	Jones, Gordon	Smith, Jeff
Ceresola, Shannon	Katsuda, Ken	Smith, Kaleb
Cheney, Albert	Kessler, Kevin	Sperone, John
Clark, Christopher	Kosman, James	Stengel, Arthur
Clay, Gregory	Labarge, Gerard	Strong, Susan
Cockrum, Jerry	Lederer, Dennis	Tope, Chris
Colgan, Mark	Lee, Dennis	Tripp, Joel
Collins, Gary	Lekse, John	Utz, Gregory
Cordero, Joel	Lepape, Anthony	Vyas, Labhshanker
Daniels, Christopher	L'Heureux, Richard	Walsh, William
Davis, Donald	Lizotte, Gerald	Warson, Michael
Dennehey, John	Lundy, John	Wells, Terry
Detoro, Don	Mcclellan, Adam	Wienke, Kevin
DiTommaso, Dean	Mcdevitt, Justin	Wray, Thomas
Enslen, Elizabeth	Mcgarry, John	Young, Stephen
Fell, Richard	McGinty, Michael W.	Zacny, Michael
Fernandez, Eduardo	McShea, Michael	Zahora, Joseph
Ferrand, Shelleena	Mellett, Christopher	Zatarain, Stanley
Fremo, David C.	Navarro, James	
Gerlach, Brian	Nisonger, Eric	